



DUMFRIES, VIRGINIA

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DUMFRIES TOWN COUNCIL REGULAR SESSION MINUTES MARCH 1, 2011, 7:00 PM

Present: Mayor Yohey, Vice-Mayor West, Councilors Barr, Foreman, Forrester, Jurgensen, Toney

Others Present: Kim Alexander, *Town Manager*; Cathy Holtzlander, *Asst. Town Manager*; Chief Taber, *Chief of Police*; Greg Tkac, *Dir. of Public Works*; Jatinder Khokhar, *Dir. of Community Development*; Debi Sandlin, *Dir. of Economic Development & Marketing*; Teresa Johnson, *IT Manager*; Linda Frye, *Property Maintenance Official*; Catherine Koslicki, *Town Clerk* and 20 citizens.

Mayor Yohey called the meeting to order at 7:03 PM, followed by the Invocation and the Pledge of Allegiance.

The following changes were made to the agenda:

- 6A discussion will take place in Closed Session
- 9F moved to March 15th meeting
- 12 add to (3) "and other real estate acquisitions" and (1) Personnel

CITIZEN COMMENTS

There were no citizen comments.

MAYOR COMMENTS

Mayor Yohey stated there was a DBA meeting tomorrow (3/2/11) and Debi Sandlin, Dir. Of Economic Development and Marketing will be the guest speaker.

INFORMATION ITEMS

a. Update regarding Tripoli Right-of-Way Acquisition, RDA

Vice-Mayor West made a motion to enter into closed session under Virginia Code § 2.2-3711A (3) Real Estate. Council Lady Forrester seconded the motion. On roll call the vote was unanimous, motion carried. Council entered closed session at 7:08 PM.

Vice-Mayor West read the certification to end the closed session and to return to open session. The motion was seconded by Council Lady Forrester. On roll call the vote was unanimous, motion carried. The Council returned to open session at 7:44 PM. There was nothing to report from Closed Session.

STAFF REPORTS

- a. **Town Manager:** Ms. Alexander gave her report verbally. She advised Council she and staff are currently working on the FY12 budget. She stated the appraisal has come back on the GPR property and it was favorable. The title work has started, a survey has been ordered and more information will be provided during Closed Session. She stated she has also received the application from DCJS to reapply for the continued funding for ENS's program. She does not recommend Council pursues this due to current issues, but more information will be presented to Council at the next meeting.

She reminded Council and staff that Reading Day to celebrate Dr. Seuss' birthday is tomorrow (3/2/11). She also reminded Council of the meeting with Ms. Caddigan and the Friends of Quantico Bay (on Wednesday at 11am). She stated she is working on plans for the streetscape project and meetings for public input will begin soon.

Mayor Yohey said the Charter states the budget for the next fiscal year does not have to be presented to Council until April 15th and he recommends the Town Manager wait until the PWC assessment information is ready to prepare the budget.

- b. **Assistant Town Manager:** Ms. Holtzlander submitted her report as provided and highlighted the following items: She thanked everyone involved with making the Black History Celebration a huge success. Plans for the Council Retreat are moving forward and she will be coordinating availability soon. The Quantico Creek cleanup is scheduled for April 9th and the Super Egg Hunt will be April 16th. Both Vice-Mayor West and Councilman Toney congratulated Ms. Holtzlander on a fantastic Black History Celebration. Councilman Toney added it was nice to see such a diverse crowd and hopes more people can attend next year.

Council Lady Forrester stated she had been contacted recently by a member of a neighboring organization that had received a letter asking for contributions to support a youth program in Town. She asked if donations are going to be solicited in the future, that Council be made aware. She stated she feels this is inappropriate, but knows this will be a issue for the Council as a whole to discuss.

- c. **Chief of Police:** Chief Taber submitted his report as provided and highlighted the Kids Academy. He has received many encouraging comments and has begun working on the proposed curriculum that will include actual skills training aimed at helping participants successfully and safely make the transition to middle school. He announced the initial Women's Defense Tactics training class will be held on April 7th (for Council and staff) and he hopes to expand the program to include citizens.

He responded to Council Lady Forrester's comments regarding soliciting funds. He said the letter received may have come from the DPD. They have always asked for donations for the Christmas in Dumfries program and they have asked for contributions to support a national organization that makes material for the youth programs. Council Lady Forrester thanked the Chief for his comments and stated she would certainly not want programs to be curtailed. She also stated she would prefer if solicitations are needed, that they be asked of Town business and not outside organizations.

Councilman Toney asked the Chief to elaborate on the Kids Academy skills training. Chief Taber stated the training would cover four areas: bullying, gang activities, drug activities and internet safety. One of the goals is for the kids to see police as people. Another goal of the program will be to help parents recognize behavioral patterns early.

Mayor Yohey asked if there will be a cost associated with the program for the participants. Chief Taber stated they had already received a \$2000 grant and hopes to get support from local businesses to alleviate any cost to the kids. The Mayor asked how many students will participate. Chief Taber stated comfortably 25, but the program could be split into two sessions if needed.

Mayor Yohey asked about the current staffing level of DPD. Chief stated the department should have 12 full-time staff members to include 9 officers, 1 civilian manager and 2 civilian administrative personnel. There are currently 2 vacant officer positions and he has received unsolicited applications from area officers that are already certified.

- d. **Director of Public Works:** Mr. Tkac submitted his report as provided. He announced the next phase of the Multi-Modal Plan is ready to begin, which would include sidewalks on Fraley Blvd.

Vice-Mayor West thanked the DPW for the quick response to the trash and debris she reported on Possum Point Rd.

Councilman Foreman asked where (on Fraley Blvd) the sidewalks will be. Mr. Tkac stated they will run from Williamstown to Old Stage Coach Rd. He also stated the project will be lengthy because it will follow federal guidelines. He does not anticipate it being completed in one season. Councilman Foreman asked when the widening of RT. 1 will begin, how much money has been committed to the project and if there is anything the Council needs to do at this point. Mr. Tkac stated he has asked VDOT to "create the project" but he has already been notified that the project is not currently being funded by "Urban Allocation." He has already asked for funds from the Commonwealth Transportation Board. He advised Council to speak to the state and county representatives for support. The project will cost approximately \$40 million and there are no funds available at this time. Councilman Foreman asked Mr. Tkac to send all correspondence (regarding requests for funding for RT. 1 widening project) to the Council. Mr. Tkac agreed.

Vice-Mayor West asked for an update on the parking request made by the residents on Fairfax St. Mayor Yohey asked Mr. Tkac to describe the issue. Mr. Tkac stated the current parking does not allow for 2 spaces per townhome. As requested, the street will be made one-way (southbound on Fairfax St.) to allow for 2 spaces per townhome via diagonal parking. The project is scheduled to begin in July 2011. The Mayor asked if the residents had been notified. Mr. Tkac affirmed.

- e. **Director of Community Development:** Mr. Khokhar submitted his report as provided and highlighted two items. On February 7th, the PC had two pre-conferences with prospective applicants (SAV Contractors for the Metts subdivision and the Hashimi family for a rezoning application.) Due to a lack of a quorum, another meeting was scheduled for February 14th where the PC voted to recommend approval of the CUP for a private school at the Badr Community Center. He also advised Council the Community Enhancement Program has been finalized and will be presented later in the agenda by Ms. Frye.

Council Lady Jurgensen asked for more information on the landfill training mentioned in his report. Mr. Khokhar stated he had received a complaint of an odor and he is not familiar with landfill issues so he enlisted the assistance of a colleague from Fairfax to provide the free training to staff. She asked if there is an established response protocol. He advised there is already one in place. When a complaint is reported, they contact the landfill and the DEQ. He advised Council he will follow-up with a full report. He also stated he will work to set up a formal system to document such complaints and responses. Council Lady Forrester asked if the reported odor was coming from the landfill. Ms. Holtzlander advised the staff at the landfill actually called in the complaint to report a gas smell. Town staff called the gas company to resolve the issue. She stated the training received was to identify the difference between smells (landfill/sewer/gas). She also stated the Town has a process in place to work with the landfill and it has worked well.

Council Lady Barr asked about the revisions being made to the Rental Inspection ordinance. Ms. Frye stated some of the definitions had changed, Ms. Caturano is in the process of reviewing the amendments and it should be presented to Council at the regular meeting in April. Council Lady Barr asked for the date on rental properties to be included with the proposed ordinance amendment. Ms. Frye affirmed.

Vice-Mayor West stated she drove by the Metts subdivision. She asked if the area could accommodate 6 homes. Mr. Tkac asked if this subject could be addressed at a later date during closed session since the applicant has not submitted any formal plans at this time. The Vice-Mayor asked if the Zoning Ordinance limited the size of the lots. Mr. Khokhar stated it did as does the Fire & Building codes, all of which will be considered once a formal application is submitted.

- f. **Director of Economic Development & Marketing:** Ms. Sandlin submitted her report as provided and highlighted a few items. She stated MDA Technologies held a kick-off meeting with staff to give an overview of the website update process. The website committee has begun working on the overall design of the homepage. She continues to work with Council on the Incentive Program and stated they are still in the education stage. She has also continued her Business Outreach Program and met with two businesses last month.

Mayor Yohey asked if the Council meeting videos can be found online. Ms. Sandlin deferred the questions to Council Lady Barr. She stated she and Council Lady Jurgensen have made some of the past meetings available online. (A link to the site is available under her (Barr) bio information on the Town's website.) Ms. Sandlin advised that all meetings will be available in the future on the new website.

ADOPTION OF CONSENT AGENDA

Council Lady Forrester made a motion to adopt the consent agenda with a second by Council Lady Jurgensen. Ayes: Barr, Forrester, Jurgensen, Toney, West, Yohey; Nays: Foreman. Motion passed, 6-1.

Councilman Foreman stated he did not vote in favor of the motion because he had a few corrections and would like for those to be considered. He asked for the Clerk to amend the minutes from 2/15/11 (p.4, paragraph 3 under Discussion Items a. Mid-Year Budget Review) by adding his questions and the Town Manager's responses regarding the park clean-up, Tripoli and the purchase of additional property.

Council Lady Forrester made a motion to rescind her previous motion with a second by Council Lady Jurgensen. Upon the roll call, the vote was unanimous and the motion passed.

Council Lady Forrester made a motion to reconsider adoption of the consent agenda with amendments. Council Lady Jurgensen seconded the motion. Upon the roll call, the vote was unanimous and the motion passed.

ACTION ITEMS**a. Consider Approval of CUP Application for "Badr Academy"**

Mr. Khokhar recommended approval of the CUP application with the 26 conditions as submitted in his staff report. He stated the PC has also recommended approval of the CUP application. Their recommendation contained the 24 conditions proposed by previous staff and four additional conditions proposed by the PC.

Councilman Foreman asked if the CUP is approved, are the recommended conditions things the applicant shall do or should do. Mr. Khokhar advised the answer would be shall. He further explained that the applicant would be required to comply with any conditions approved by Council.

Vice-Mayor West stated she felt some of the proposed conditions were not feasible. (She cited conditions 1, 8 and 12 from the Staff recommendation as examples.)

Ms. Alexander stated she had submitted her recommendation and would advise Council not to approve the CUP. She cited four reasons:

1. The volume of traffic at the intersection of Main Street & Mine Road
2. The number of accidents at the location
3. The special exceptions (conditions) must be suitable or reasonable
4. A previous CUP application at the same location for the same use was denied in 2005 due to safety concerns.

Council Lady Barr, Councilman Toney and Vice-Mayor West all expressed safety as a concern. Councilman Toney stated a similar application for the same location had been previously denied (2005) due to safety concerns. He thanked the Town Manager for her report. He also wanted the Badr Community to know they are welcomed in the Town and he hopes they will consider Dumfries in their future plans for growth.

Council Lady Forrester stated having a growth plan is critical to success and she agrees with her fellow Council members that this particular location is not appropriate (due to safety concerns) for their needs. She also agrees with Councilman Toney regarding their future plans and offered to speak to the applicant if they choose.

(A few members of the audience expressed frustration over the Council comments and their inability to be recognized and address the concerns. Council Lady Forrester stated she understands their frustration and explained citizens are only permitted to speak during the "Citizen Comments" portion of the agenda. Mr. Farook Mughal thanked Council for their efforts, he said he understands their concerns and looks forward to working with them in the future to find a more appropriate place for their growth.)

Council Lady Barr made a motion to deny the CUP application for "Badr Academy" with a second by Vice-Mayor West. Upon the roll call, the vote was unanimous and the motion passed. *(The CUP application was denied.)*

b. Consider appointing a Town Council member to serve on the Website Design Committee

Councilman Toney asked how long the Council member would need to serve on the committee. Ms. Sandlin advised through testing which would be approximately May 2011.

Council Lady Barr made a motion to appoint Council Lady Jurgensen to serve on the Website Design Committee. The motion was seconded by Vice-Mayor West. Upon the roll call, the vote was unanimous and the motion passed.

c. Consider 1st Reading of Proposed Ordinance Amendment adding Article VII Section 180-186 to Chapter 26 of the Code of the Town of Dumfries relating to the Conservation of Water in Emergencies

Mr. Tkac advised Council the purpose of the ordinance is to allow the Town to create a Water Conservation Plan in emergency situations (similar to that of PWC).

Vice-Mayor West made a motion to have the 1st Reading of the Proposed Ordinance Amendment adding Article VII Section 180-186 to Chapter 26 of the Code of the Town of Dumfries relating to the Conservation of Water in Emergencies. A second was made by Councilman Toney. Ayes: Toney, West; Nays: Barr, Foreman, Forrester, Jurgensen, Yohey. Motion failed, 2-5. *(Proposed Ordinance Amendment did not have a 1st Reading.)*

Council Lady Barr stated she had several issues with the proposed ordinance. She cited the definition of *Water* under Sec. 26-180, Sec. 26-183(a)(2)a. and 26-185 as examples. She does not feel the ordinance takes into consideration or accounts for the possible use of alternative water systems (such as rain barrels which are then used to water plants/lawns, etc.). She also does not feel the Town is justified in regulating a water source it does not supply. She stated Sec. 26-180 defines *Jurisdiction* as the Town, but residents do not pay the Town for water, they pay the PWC. Mr. Tkac advised the use of alternative water sources would not be affected by this ordinance. He stated the purpose is to protect the public water supply. Ms. Alexander stated the issues raised by Council Lady Barr will be reviewed with the Town Attorney for possible changes and the ordinance will be reintroduced on the April 5th agenda.

d. Consider a Resolution to Request Funds from the Regional Surface Transportation Program (RSTP)

Mr. Tkac stated the project (if approved) would start in 2012 and would allow for the design and construction of walkways along northbound RT. 1 between Williamstown and Stage Coach Rd. and southbound RT. 1 between RT. 234 and the existing sidewalk system on Main St.

Councilman Foreman asked if there would be additional cost to the Town. Mr. Tkac stated no. Councilman Foreman asked if the project would be paid for with grants only and Mr. Tkac affirmed. Vice-Mayor West asked if the grant was through PWC. Ms. Alexander affirmed.

Councilman Toney thanked Mr. Tkac on behalf of the citizens and stated this is a much needed project.

Mayor Yohey asked what material would be used. Mr. Tkac stated since the sidewalks would be temporary (due to the future widening of RT. 1) he would recommend asphalt.

Councilman Toney made a motion to adopt the Resolution to Request Funds from the Regional Surface Transportation Program (RSTP). The motion was seconded by Council Lady Barr. Upon the roll call, the vote was unanimous and the motion passed.

e. Consider approval of proposed Community Enhancement Program

Ms. Frye stated the purpose of the program would be to encourage residents and businesses to enhance their property and to recognize them for their efforts.

Council Lady Jurgensen stated she is in favor of the program but feels the criteria are too subjective and may need to be changed. Councilman Foreman agreed with Council Lady Jurgensen. He would like to see funding for the program identified as a budget line item and recommends the program begin with the new fiscal year (FY12). Council Lady Forrester agreed as well and recommended the program development move forward to allow for revision of the criteria. She offered her assistance (with the approval of the Town Manager) to Ms. Frye. Ms. Alexander agreed and Ms. Frye accepted.

Vice-Mayor West made a motion to authorize Ms. Frye and Mr. Khokhar to move forward for the Community Enhancement Program as recommended with funding to be outlined in the FY12 budget. A second was made by Council Lady Jurgensen. Upon the roll call, the vote was unanimous and the motion passed.

f. Consider 1st Reading of Proposed Ordinance Amendment to Section 70-9, relating generally to Certificates of Occupancy

Item was removed from the current agenda and will be placed on the March 15th agenda.

g. Consider 1st Reading of Proposed Ordinance Amendment to Chapter 30, Relating Generally to Fire Prevention and Protection

Ms. Alexander stated the purpose of the proposed ordinance amendment is to appoint the County Fire Marshal as the Town Fire Marshal. She advised Council the County Fire Marshal already works in this capacity but, the ordinance will make the practice formal.

Council Lady Forrester asked if the Town has an MOU with the County regarding these services. Ms. Alexander stated not at this time. Council Lady Forrester stated she would prefer there be an MOU in place to guarantee the services will be provided. Mayor Yohey asked if the Town was already receiving the services from the County (without an MOU) and Ms. Alexander affirmed.

Vice-Mayor West asked if there was a meeting regarding this item. Ms. Alexander stated the Town Attorney met with PWC officials and they have asked that all of the towns to adopt this ordinance.

Vice-Mayor West made a motion to have the 1st Reading of the Proposed Ordinance Amendment to Chapter 30, relating generally to Fire Prevention and Protection. The motion was seconded by Council Lady Jurgensen. Upon the roll call, the vote was unanimous and the motion passed. *(Council waived the full reading due to length; the proposed ordinance amendment in its entirety will be available for inspection in the Office of the Town Clerk.)*

DISCUSSION ITEMS

a. Proposed Ordinance Amendment Amending Sec. 18-63, Relating Generally To Special License Taxes On Carnivals, Circuses, Trained Animal Shows And Speedways

Councilman Foreman stated the proposed ordinance amendment language had been prepared by the Town Attorney based on previous Council discussion. He reviewed the changes recommended the Council move this item forward since a Public Hearing would have to be scheduled.

Councilman Toney stated the language in Sec. 18-63(a)(3) (second line) should read “no more than 60 days” instead of “at any time within 60 days.”

Councilman Foreman made a motion to have the 1st Reading of the Proposed Ordinance Amendment to Section 18-63, relating generally to Special License Taxes on Carnivals, Circuses, Trained Animal Shows and Speedways with the recommended changed. The motion was seconded by Council Lady Barr. Ayes: Barr, Foreman, Forrester, Jurgensen, Toney, Yohey; Nays: West. Motion passed, 6-1. *(Council waived the full reading; the proposed ordinance amendment in its entirety will be available for inspection in the Office of the Town Clerk.)*

COUNCIL COMMENTS

Councilors Barr, Foreman, Forrester, Jurgensen and Toney had no comments.

Vice-Mayor West stated last Thursday she attended a regular meeting of the NVRC where they discussed several items including Partnerships between the US and China, Storm Water Management and the current Legislative issues in the General Assembly. She announced this Thursday she will be attending a Ferry Stakeholders Steering Committee meeting also as part of the NVRC.

CLOSED SESSION

Vice-Mayor West made a motion to enter into closed session under Virginia Code § 2.2-3711A(1)Personnel and (3) Real Estate regarding Graham Park Road property other real estate acquisitions. Council Lady Forrester seconded the motion. On roll call the vote was unanimous, motion carried. Council entered closed session at 10:44 PM.

Vice-Mayor West read the certification to end the closed session and to return to open session. The motion was seconded by Council Lady Forrester. On roll call the vote was unanimous, motion passed. The Council returned to open session at 11:49 PM.

Council Lady Forrester made a motion to authorize the Town Manager to move forward with the real estate transaction as discussed in closed session. The motion was seconded by Councilman Toney. On roll call the vote was unanimous, motion passed.

ADJOURN

Vice-Mayor West made a motion to adjourn with a second by Council Lady Forrester. All Ayes. The meeting adjourned at 11:51 PM.

Minutes submitted by

Approved by

Catherine H. Koslicki
Town Clerk

Fred E. Yohey, Jr.
Mayor